

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PENDLETON DIVISION

BRENT EVAN WEBSTER,

Civil No. 11-225-SU

Plaintiff,

v.

STATE OF OREGON, et al.,

FINDINGS AND RECOMMENDATION

Respondents.

Petitioner filed this 28 U.S.C. § 2254 habeas corpus action on February 23, 2011. On April 22, 2011, the court advised petitioner that if he wished to proceed with this case, he must: (1) show cause why his case should not be summarily dismissed as premature; and (2) file an amended petition naming the proper respondent so as to provide the court with jurisdiction in this matter.

Following a 60-day extension of time, petitioner's response to the court's April 22, 2011 Order was due on or before July 22,

2011. Because petitioner has neither shown cause nor filed an amended petition in this case, the court should dismiss the Petition for Writ of Habeas Corpus.

RECOMMENDATION

For the reasons identified above, the Petition for Writ of Habeas Corpus (#1) should be DISMISSED, and a judgment should be entered dismissing this case without prejudice. The court should decline to issue a Certificate of Appealability on the basis that petitioner has not made a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2).

SCHEDULING ORDER

This Findings and Recommendation will be referred to a district judge. Objections, if any, are due within 17 days at which time the Findings and Recommendation will go under advisement.

DATED this 29th day of July, 2011.

/s/Patricia Sullivan
Patricia Sullivan
United States Magistrate Judge